

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLOTTE PINCKNEY and KYLE  
PINCKNEY

Plaintiffs

v.

THE PEP BOYS MANNY MOE & JACK  
O/D/B/A PEP BOYS,

Defendant.

Case No. 2:16-cv-5350-CDJ

**PLAINTIFF'S PRETRIAL  
MEMORANDUM**

**MEMORANDUM**

NOW COMES the Plaintiffs, Charlotte Pinckney and Kyle Pinckney, by and through their attorneys The Trial Law Firm, LLC and Martell Harris, Esquire, and files the within Memorandum Pretrial Memorandum as follows:

**BRIEF STATEMENT OF NATURE AND ISSUES**

This case is brought into federal court on federal question jurisdiction. The Plaintiffs allege that Defendant violated 42 U.S.C. § 1981.

This statute prohibits racial discrimination in the making and enforcement of contracts. This prohibition requires that parties (including prospective parties) to a contract are afforded all of the benefits, privileges, terms, and conditions of the contractual relationship.

The Plaintiffs allege that Defendant violated this statute when its supervisory employee, Jason Morton, referred to Mr. and

Mrs. Pinckney as "you people"; "niggers"; and informed them that he wasn't "doing shit" for them. The Plaintiffs will prove that:

1. Charlotte and Kyle Pinckney are Black individuals;
2. Charlotte and Kyle Pinckney individually and jointly engaged the Defendant with the specific intent to make and/or enforce a contract as defined by federal law;
3. In conjunction with the Pinckney's engagement with the Defendant as described, that the Defendant engaged in a severe course of conduct that substantially interfered with and thwarted the Pinckney's engagement to make and/or enforce their contract with Defendant;
4. The Pinckney's race is causally related to the Defendant's actions; and,
5. The Pinckneys suffered damages as a result of Defendant's actions.

#### **WITNESSES**

Plaintiff anticipates calling the following witnesses in their case-in-chief at trial:

1. Kyle Pinckney.

Mr. Pinckney will testify as to the events at the Pep-Boys store in North Charleston South Carolina on June 9, 2016.

2. Charlotte Pinckney.

Mrs. Pinckney will testify as to the events at the Pep-Boys store in North Charleston South Carolina on June 9, 2016.

3. Michael McSorley.

Mr. McSorley will testify as of cross-examination regarding his investigation of the events of June 9, 2016. At that time, Mr. McSorley was the Regional Vice President of Service.

4. Kimberly Brown.

Ms. Brown will testify as of cross-examination to the corporate structure, policies and procedures applicable to Pep-Boys.

5. T. Grant.

Mr. Grant will testify regarding his review of North Charleston Police Department interactions with Mr. and Mrs. Pinckney in June 2016.

6. Shane Helton.

Mr. Helton will testify as of cross-examination regarding his investigation of the events of June 9, 2016.

**EXHIBITS**

1. PB-001 Video

2. PB-002 Video

3. PB-005-6 Notes

4. PB-084-85 Service Department Code of Ethics

5. PB-0134 Termination Information

6. March 9, 2017 Letter from T. Grant to Martell Harris

7. Pickney-001-8; 16-19 Call and text logs between

Charlotte Pinckney and Shane Helton

8. Pinckney-015 Transcript of Voicemails with Dates.
9. Declaration of Tara Givens.

**STIPULATIONS**

1. Plaintiff incorporates the stipulations filed at ECF No. 59 at p. 7 (VI).

**UNDISPUTED FACTS**

1. Plaintiff incorporates the undisputed facts filed at ECF No. 59 at pp. 7-10 (VI).

**DISPUTED FACTS**

1. Plaintiff incorporates the disputed facts filed at ECF No. 59 at pp. 10-13 (VI)

**TIME FOR PLAINTIFF'S CASE IN CHIEF**

Plaintiffs anticipate taking less than 2 days to complete their case-in-chief. This estimate does not account for objections, motions, and cross examination.

Respectfully submitted,

**THE TRIAL LAW FIRM, LLC**

/s/Martell Harris  
Martell Harris, Esquire  
Pa. Id. No. 319504  
*Attorney for Charlotte and Kyle Pinckney*

BNY Mellon Center  
500 Grant Street, Suite 2900  
Pittsburgh, PA 15219  
411.588.0030 (p)  
[MH@TLawF.com](mailto:MH@TLawF.com)